

Remarks

Claims 1, 6, 8, 11, 13 and 19 are pending. All pending claims have been rejected under Section 103 as being obvious over Otsuka 6879411 in view of Takaoka 4975783.

Before addressing each of the prior art references newly cited by the Office, it is instructive to review the elements of the claims.

The method of Claim 1 includes:

- (1) storing the electronic data to a non-volatile storage device;
- (2) transmitting the electronic data to the e-mail server;
- (3) removing the electronic data from the storage device after the electronic data has been completely transmitted to the e-mail server;
- (4) determining if the electronic data is present on the storage device after the interruption in electrical power; and
- (5) if the electronic data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server. (The acts recited in Claim 1 are numbered for convenience only in the following discussion -- they do not appear in the claim.)

The "electronic data" referred to in the body of Claim 1 is introduced in the preamble and means "electronic data derived from optically scanning a document."

The other independent claims, Claims 8 and 13, recite similar limitations.

The Office Has Misinterpreted Otsuka.

The Office asserts at page 3 of the Office Action that Otsuka teaches acts no. 1, 2 and 3 in Claim 1, as follows:

Otsuka teaches ... storing the electronic data to a non-volatile storage device (telephone directory stored in EEPROM 33 of fig 5, col.6, lines 55-59); transmitting the electronic data to the e-mail server (facsimile machine 10 of fig 2, exchange data with PC 2 of fig 2 via internet of fig 1, col.8, lines 15-20); removing the electronic data from the storage device (EEPROM 33 of fig 5) after the electronic data has been completely transmitted to the e-mail server (CPU 30 of fig 5, transmit the electronic mail accompanying the image data obtained from by scanning [step 162] col.8, line10-15).

The assertion is not correct. First, as noted above, the "electronic data" in Claim 1 means electronic data derived from optically scanning a document. Thus, Claim 1 recites the act of storing the electronic data derived from optically scanning a document to a non-volatile storage device. There is no indication that the telephone directory stored in EEPROM 33 in Otsuka is derived from optically scanning a document. Otsuka, therefore, does not teach act no. 1 in Claim 1.

Second, even assuming for the purposes of argument only that the telephone directory stored in EEPROM 33 in Otsuka is derived from optically scanning a document, this telephone directory is not transmitted to an email server. The email transmission described in Otsuka col. 8, lines 15-20, cited by the Office, does not contain the telephone directory stored in EEPROM 33. Transmitting "the electronic data" in act no. 2 in Claim 1 refers to the same electronic data as in act no. 1 -- the electronic data derived from optically scanning a document. Thus, the storing act and the transmitting act are performed with respect to the same electronic data. In Otsuka, by contrast, there is no apparent connection between the telephone directory stored in EEPROM 33 and the data contained in the email transmission described at Otsuka col. 8, lines 15-20. Otsuka, therefore, does not teach act no. 2 in Claim 1.

Third, Otsuka also does not teach removing the electronic data from the storage device after the electronic data has been completely transmitted to the e-mail server. Again, there is nothing in the passage in Otsuka cited by the Office for this act no. 3 in Claim 1 that even remotely suggests removing the telephone directory from EEPROM 33 after the email transmission has been completed. On the contrary, the cited passage, col. 8, lines 10-15, teaches only that "[u]pon detection of connection to the SMTP 7 (YES at step 160), the CPU 30 transmits the electronic mail accompanying the image data obtained from the original by the scanning (step 162)." Otsuka, therefore, does not teach act no. 3 in Claim 1.

So far as might be deemed relevant to the claimed subject matter, Otsuka stands for the unremarkable proposition that it was known in the art to email electronic scan data. Otsuka, however, does not teach or suggest anything even remotely close to storing the scan data to a non-volatile storage device to facilitate the subsequent email transmission of the data in the event a power failure interrupts

the initial transmission. There is just no reason the ordinarily skilled artisan would look to or find guidance in Otsuka in developing the subject matter of Claims 1, 8 and 13.

For these reasons alone, the Office has failed to establish a prima facie case of obviousness based on the combination of Otsuka and Takaoka.

The Office Has Misinterpreted Takaoka.

The Office asserts at page 4 of the Office Action that Takaoka teaches acts no. 4 and 5 in Claim 1, as follows:

Takaoka in the same area of facsimile machine having error correction mode (fig 1) teaches determining if the electronic data is present on the storage device after the interruption in electrical power (system controller 11 of fig 1, determine the cutoff the power supply to show in the memory 5, col.8, lines 30-35); and if the electronic data is determined to be present on the storage device after the interruption in electrical power (col.8, lines 35-40), resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server, (system controller 11 of fig 1, determine the cutoff the power supply to show in the memory 5, col.8, lines 30-35).

The assertion is not correct.

Col. 8, lines 30-40 in Takaoka say nothing at all about determining if electronic data is present after an interruption in electrical power. On the contrary, Takaoka expressly teaches that data stored in buffer 4 and memory 5 is lost during a power failure. Takaoka col. 7, lines 22-25. Takaoka teaches generating a report that identifies stored files that were lost as a result of the power failure. Takaoka col. 7, lines 29-43 and col. 8, lines 17-23.

Takaoda does not and cannot teach determining if the electronic data is present on the storage device after the interruption in electrical power because Takaoda expressly recognizes that any such data is erased in a power failure. It necessarily follows, therefore, that Takaoda also does not teach resuming the transmission of the electronic data if the electronic data is determined to be present on the storage device after the interruption in electrical power.

For these additional reasons, the Office has failed to establish a prima facie case of obviousness based on the combination of Otsuka and Takaoka.

The case remains in condition for allowance.

The foregoing is believed to be a complete response to the pending Office
Action.

Respectfully submitted,

/Steven R. Ormiston/

Steven R. Ormiston
Reg. No. 35,974
208.433.1991 x204